

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP
DAVID R. STICKNEY (Bar No. 188574)
BENJAMIN GALDSTON (Bar No. 211114)
DAVID R. KAPLAN (Bar No. 230144)
12481 High Bluff Drive, Suite 300
San Diego, CA 92130
Tel: (858) 793-0070
Fax: (858) 793-0323
davids@blbglaw.com
beng@blbglaw.com
davidk@blbglaw.com

KAPLAN FOX & KILSHEIMER LLP
LAURENCE D. KING (Bar No. 206423)
350 Sansome Street, Suite 400
San Francisco, CA 94104
Tel: (415) 772-4700
Fax: (415) 772-4707
lking@kaplanfox.com

*Attorneys for Lead Plaintiffs Arkansas Teacher
Retirement System, Första-AP Fonden and
Danske Invest Management A/S*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE SUNPOWER SECURITIES
LITIGATION

KESSLER TOPAZ MELTZER
& CHECK, LLP
RAMZI ABADOU (Bar No. 222567)
ELI R. GREENSTEIN (Bar No. 217945)
STACEY M. KAPLAN (Bar No. 241989)
ERIK D. PETERSON (Bar No. 257098)
580 California Street, Suite 1750
San Francisco, CA 94104
Tel: (415) 400-3000
Fax: (415) 400-3001
rabadou@ktmc.com
egreenstein@ktmc.com
skaplan@ktmc.com
epeterson@ktmc.com

Case No. CV 09-5473-RS
(Consolidated)

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

1 WHEREAS, the above-captioned action is a securities class action lawsuit, governed by
2 the Private Securities Litigation Reform Act of 1995, Pub. L. No. 104-67, 109 Stat. 737;

3 WHEREAS, on April 18, 2011, Lead Plaintiffs Arkansas Teacher Retirement System,
4 Första-AP Fonden, and Danske Invest Management A/S (collectively, "Lead Plaintiffs"), filed
5 the First Amended Consolidated Class Action Complaint for Violations of the Federal Securities
6 Laws [ECF No. 153] (the "First Amended Complaint");

7 WHEREAS, on May 23, 2011, Defendants filed a motion to dismiss the First Amended
8 Complaint [ECF No. 155]; on June 22, 2011, Lead Plaintiffs filed an opposition to Defendants'
9 motion to dismiss [ECF No. 162]; on July 27, 2011, Defendants filed a reply in support of their
10 motion to dismiss [ECF No. 169]; on August 11, 2011, the Court heard oral argument on the
11 motions to dismiss [ECF No. 171]; and Defendants' motions are currently *sub judice*;

12 WHEREAS, by Clerk's Notice entered on June 20, 2011 [ECF No. 161], a case
13 management conference in this action is currently scheduled for October 27, 2011;

14 WHEREAS, it would conserve judicial and party resources to hold the case management
15 conference in this action after the Court has decided the motion to dismiss;

16 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as
17 follows:

18 (1) The case management conference currently scheduled for October 27, 2011, shall
19 be rescheduled to January 12, 2012, at 10:00 a.m., or at such other date and time after the Court
20 has ruled on Defendants' pending motion to dismiss as the Court deems appropriate, in
21 Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco,
22 California; and

23 (2) The parties shall file a Joint Case Management Conference Statement one week
24 prior to the conference.

25 Dated: October 18, 2011

Respectfully submitted,

26 KESSLER TOPAZ MELTZER
27 & CHECK, LLP

28 By: s/ Ramzi Abadou
RAMZI ABADOU

1 ELI R. GREENSTEIN
2 STACEY M. KAPLAN
3 ERIK D. PETERSON
4 580 California Street, Suite 1750
5 San Francisco, CA 94104
6 Tel: (415) 400-3000
7 Fax: (415) 400-3001

8
9
10
11
12
13 DATED: October 18, 2011

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP

14 By: s/ David R. Stickney
15 DAVID R. STICKNEY

16 DAVID R. STICKNEY
17 BENJAMIN GALDSTON
18 DAVID R. KAPLAN
19 12481 High Bluff Drive, Suite 300
20 San Diego, CA 92130
21 Tel: (858) 793-0070
22 Fax: (858) 793-0323

23
24
25
26
27
28 DATED: October 18, 2011

KAPLAN FOX & KILSHEIMER LLP

By: s/ Laurence D. King
LAURENCE D. KING

LAURENCE D. KING
350 Sansome Street, Suite 400
San Francisco, CA 94104
Tel: (415) 772-4700
Fax: (415) 772-4707
lking@kaplanfox.com

-and-

FREDERIC S. FOX
JOEL B. STRAUSS
DONALD R. HALL
850 Third Avenue, 14th Floor
New York, NY 10022
Tel: (212) 687-1980
Fax: (212) 687-7714

*Attorneys for Lead Plaintiffs Arkansas Teacher
Retirement System, Första-AP Fonden and
Danske Invest Management A/S*

1 DATED: October 18, 2011

MORRISON & FOERSTER LLP

2 By: s/ Judson Lobdell
JUDSON LOBDELL

3 JORDAN ETH
4 JUDSON LOBDELL
425 Market Street
5 San Francisco, CA 94105
6 Tel: (415) 268-7000
Fax: (415) 268-7522

7 *Attorneys for Defendants SunPower Corporation,*
8 *Thomas H. Werner, Dennis V. Arriola, Emmanuel T.*
9 *Hernandez, W. Steve Albrecht, Betsy S. Atkins,*
Uwe-Ernst Buße, T.J. Rodgers, John B. Rodman and
Patrick Wood, III

10 DATED: October 18, 2011

SIDLEY AUSTIN LLP

11 By: s/ Sara B. Brody
12 SARA B. BRODY

13 SARA B. BRODY
14 JAIME BARTLETT
555 California Street
15 San Francisco, CA 94104
16 Tel: (415) 772-1200
Fax: (415) 772-7400

17 *Attorneys for Defendant Miguel Trinidad*
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATION UNDER GENERAL ORDER NO. 45

I, Ramzi Abadou, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Continuing Case Management Conference. In compliance with General Order No. 45, X.B., I attest that David R. Stickney, Laurence D. King, Judson Lobdell and Sara B. Brody have concurred in this filing.

Dated: October 18, 2011

s/ Ramzi Abadou
RAMZI ABADOU

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2011

HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 18, 2011.

s/ Ramzi Abadou
RAMZI ABADOU

Mailing Information for a Case 3:09-cv-05473-RS

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Ramzi Abadou**
rabadou@ktmc.com,knguyen@ktmc.com,csheppard@ktmc.com
- **George Carlos Aguilar**
GAguilar@robbinsumeda.com,Notice@robbinsumeda.com
- **Jaime Allyson Bartlett**
jbartlett@sidley.com,dgiusti@sidley.com
- **Sara B. Brody**
sbrody@sidley.com,tnewman@sidley.com,jbartlett@sidley.com
- **Mario Man-Lung Choi**
mchoi@kaplanfox.com,kweiland@kaplanfox.com
- **Aviah Cohen Pierson**
acohenpierson@kaplanfox.com
- **Jordan Eth**
jeth@mofo.com,nurbina@mofo.com
- **Frederic S. Fox**
ffox@kaplanfox.com
- **Benjamin Galdston**
beng@blbglaw.com,denab@blbglaw.com,kristid@blbglaw.com,ranaew@blbglaw.com
- **Michael M. Goldberg**
info@glancylaw.com
- **Donald R Hall**
dhall@kaplanfox.com
- **Dennis J. Herman**
dennish@rgrdlaw.com,khuang@rgrdlaw.com,e_file_sd@rgrdlaw.com,triciam@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Stephen D. Hibbard**
shibbard@shearman.com,rcheatham@shearman.com
- **Robert N. Kaplan**
rkaplan@kaplanfox.com
- **Reed R. Kathrein**
reed@hbsslw.com,peterb@hbsslw.com,pashad@hbsslw.com,sf_filings@hbsslw.com
- **Mark P. Kindall**
firm@izardnobel.com,mkindall@izardnobel.com
- **Laurence D. King**
lking@kaplanfox.com,kweiland@kaplanfox.com
- **Angela Elaine Kleine**
akleine@mofo.com,mekas@mofo.com

- **Joy Ann Kruse**
jakruse@lchb.com
- **Nicole Catherine Lavalley**
nlavalley@bermandevalerio.com,ysoboleva@bermandevalerio.com
- **Judson Earle Lobdell**
jlobdell@mofo.com,mblackmer@mofo.com
- **Tricia Lynn McCormick**
triciam@rgrdlaw.com,e_file_sd@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Kim Elaine Miller**
kimmiller225@yahoo.com,kim.miller@ksfcounsel.com
- **Erik David Peterson**
dcheck@ktmc.com
- **Aviah Cohen Pierson**
acohenpierson@kaplanfox.com
- **Darren Jay Robbins**
e_file_sd@rgrdlaw.com
- **David Ronald Stickney**
davids@blbglaw.com
- **Joel B. Strauss**
jstrauss@kaplanfox.com
- **Sean Travis Strauss**
invalidaddress@invalidaddress.com,sstrauss@steinlubin.com
- **Joseph J. Tabacco , Jr**
jtabacco@bermandevalerio.com,ysoboleva@bermandevalerio.com
- **David Conrad Walton**
davew@rgrdlaw.com
- **Shawn A. Williams**
shawnw@rgrdlaw.com,khuang@rgrdlaw.com,e_file_sd@rgrdlaw.com,e_file_sf@rgrdlaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Catherine J. Kowalewski
Robbins Geller Rudman & Dowd LLP
655 W Broadway
Suite 1900
San Diego, CA 92101